

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

MidAmerican Energy Company,)	
Nicor Energy, L.L.C.,)	
AES New Energy, Inc., and the)	
National Energy Marketers Association)	
)	Docket No. 02-0290
Request for Expedited Rulemaking)	
Regarding Telephonic and Internet)	
Enrollment Procedures Consistent with)	
§ 2EE of the Consumer Fraud and)	
Deceptive Business Practices Act)	

REPLY BRIEF ON EXCEPTIONS

INTRODUCTION

On August 28, 2002, the Administrative Law Judge filed his Proposed Order in the above-captioned docket and requested that those interested submit Briefs on Exceptions on or before September 23, 2002, and Briefs in Reply to Exceptions due by October 2, 2002. Pursuant the above schedule and Section 200.830 of the Commission's Rules of Practice, Illinois Power provides the following comments:

COMMENTS GENERALLY

Throughout this proceeding, Illinois Power has generally not opposed the alternative methods of customer enrollment; however, it has been Illinois Power's position that any new method of enrollment should not affect the utility's relationship with either the supplier or customer. As noted in its Brief on Exceptions, Illinois Power assumes that any Electronic LOA will be subject to any requirements contained in each utility's tariffs, including those that are more stringent than those provided by the

Commission's rules. More specifically, Illinois Power assumes that each supplier will still conform to all of the utility's applicable tariffs, even if these proposed rules that are ultimately adopted provide for additional standards that a RES must follow.

For example, Illinois Power would note that the new wording in Section 453.40 provides that a residential customer has three (3) business days to cancel the Internet Enrollment. Illinois Power would note that it may be problematic if the RES submits an Enrollment DASR to the utility for a residential customer prior to the three days in which the customer may cancel its Internet Enrollment. More specifically, under Illinois Power's SC 150, a Cancellation DASR must be submitted more than five (5) business days prior to the Customer's scheduled Activation Date. See Illinois Power's SC 150 § 11.A.4 (5). If a RES submits a DASR for a customer less than three (3) days after receiving authorization, the RES may be unable to adhere to Illinois Power's cancellation provision if the customer subsequently cancels its Internet Enrollment within the time frame allotted by the rules. Illinois Power notes that the risk may amount to only a few days of overlap; however, it may cause undue burden on the customer, utility, and RES. Accordingly, in order to insure that the RES complies with the proposed rules and the utility's applicable tariffs, a RES should wait until after the three (3) business days to submit an Enrollment DASR to the utility for the residential customer.

COMMENTS ON STAFF'S EXCEPTIONS

Staff recommends to Section 453.20 (c) (iii) by striking the word "LDC" out and replacing this with "incumbent RES." See Staff's Brief on Exceptions, p. 5. Illinois Power believes that in order to be more consistent with the practices surrounding LOA, the term LDC should be replaced with "the electric utility." There is no reason that an

incumbent RES would need to call on an LOA; however, an electric utility may find it necessary to do so. Accordingly, Illinois Power requests that the Commission consider not adopting the proposed exception by Staff, but rather replace "LDC" with "electric utility."

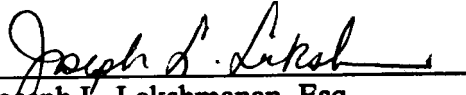
COMMENTS ON PEOPLE OF THE STATE OF ILLINOIS' EXCEPTIONS

People of the State of Illinois recommend deleting Section 453.20. See People of the State of Illinois Brief on Exceptions to the Proposed Order, p. 5. Illinois Power contends that the "Internet Enrollments" section may be useful for those future participants in the market who were not part of the discussions in this proceeding. Accordingly, Illinois Power requests that the Commission consider not adopting this proposed exception.

CONCLUSION

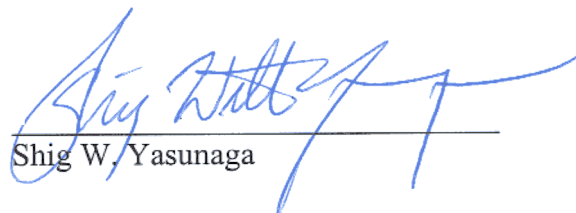
Again, Illinois Power commends the Administrative Law Judge, Staff and the Parties involved in working through the process to develop the proposed rules. Illinois Power respectfully requests that the Commission consider the comments on the parties' exceptions provided herein.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Shig W. Yasunaga, certify that on the 2nd day of October, 2002, I served a copy of Illinois Power Company's Reply Brief on Exceptions by electronic means or First Class Mail to the individuals on the service list attached.



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